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| 10/007,582                    | 12/05/2001  | Roy F. Brabson       | RSW920010222US1     | 3561             |
| 53792                         | 7590        | 05/05/2009           |                     |                  |
| DILLON & YUDELL LLP           |             |                      |                     |                  |
| 8911 N. CAPITAL OF TEXAS HWY. |             |                      |                     |                  |
| SUITE 2110                    |             |                      |                     |                  |
| AUSTIN, TX 78759              |             |                      |                     |                  |
| EXAMINER                      |             |                      |                     |                  |
| PAN, JOSEPH T                 |             |                      |                     |                  |
| ART UNIT                      |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROY F. BRABSON,  
LINWOOD HUGH OVERBY, JR

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Application No. 10/007,582  
Technology Center 2135

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Mailed: May 5, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 13, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On June 4, 2007, appellants filed an Appeal Brief. On page 3, under the heading “Grounds of Rejection to be Reviewed on Appeal” the Appellants stated:

Independent claims 1, 12, and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,370,599 to Anand et al. (hereinafter “Anand”).

In response, an Examiner’s Answer was mailed on October 10, 2007. While the Answer notes that “The appellant[’s] statement of the grounds of rejection to be reviewed on appeal is correct . . .” [page 3], the Examiner’s Answer, the following § 102(e) rejections were made:

Claims 1-20 are rejection under 35 U.S.C. 102(e) as being anticipated by Anand et al. (U.S. Patent No. 6,370,599 B1), hereinafter referred to as Anand.

A clarification of the claims to be applied in the rejection is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to give a proper explanation of the grounds of rejection on Appeal; and
- 2) for such further action as may be appropriate.

Application No. 10/007,582

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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